

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE: Bair Hugger Forced Air Warming
Products Liability Litigation

MDL No. 15-2666 (JNE/DTS)

This Document Relates to:

Robert L. Winn v. 3M Company, et al.,
No.: 0:18-cv-00891-JNE-DTS

**PLAINTIFF'S RESPONSE IN OPPOSITION TO
DEFENDANTS' MOTION TO DISMISS**

NOW COMES Plaintiff Robert L. Winn, by and through undersigned counsel, who hereby submits his opposition to Defendants' Motion to Dismiss for Failure to Comply with Pretrial Order No. 14 [Dkt. 1572]. Plaintiff respectfully shows the Court the following:

Plaintiff Robert L. Winn alleges that he developed a serious infection and was forced to undergo treatment of the same as a result of the use of a Bair Hugger Forced Air Warming Blanket during an orthopedic surgery. Plaintiff's medical records indicate that a Bair Hugger device was used during his initial surgery.

On March 29, 2018, Plaintiff filed a Short Form Complaint in this MDL. At the time of filing the Short Form Complaint, undersigned counsel was in contact with Plaintiff and provided him a Plaintiff Fact Sheet with instructions to complete and return the forms to undersigned counsel for submission to Defendants. Efforts to complete the Plaintiff Fact Sheet have been complicated by the inability to obtain additional

information from Plaintiff Robert L. Winn. For the last several months, Plaintiff's counsel has diligently worked to contact Mr. Winn and complete the Plaintiff Fact Sheet for his claim, but those efforts have not been successful to date. Counsel for Plaintiff believe that additional time could allow them to contact Mr. Winn and complete the Plaintiff Fact Sheet.

In conclusion, undersigned counsel respectfully requests that the current action not be dismissed with prejudice and that Plaintiff Robert L. Winn be given an additional sixty (60) days to contact counsel in order to provide the necessary information to cure any alleged deficiencies with the Plaintiff Fact Sheet and to continue the case.

Dated: November 8, 2018

Respectfully submitted,

MURRAY LAW FIRM

/s/ Caroline Thomas White

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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of November, 2018, I electronically filed the foregoing *Plaintiff's Response in Opposition to Defendants' Motion to Dismiss* with the Clerk of Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. I further certify that I have mailed the foregoing document by First-Class Mail, postage prepaid, or have otherwise served the document on any participants in the case who are not registered CM/ECF users.

/s/ Caroline Thomas White